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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

| | | |
|---------------------------|---|-------------------------------------|
| UNITED STATES OF AMERICA, |) | No. CR 3 06-70413 MEJ |
| |) | |
| Plaintiff, |) | PROPOSED ORDER EXCLUDING |
| |) | TIME FROM SEPTEMBER 19, 2006 |
| v. |) | THROUGH OCTOBER 19, 2006 FROM |
| |) | CALCULATIONS UNDER THE SPEEDY |
| KAI BUTLER, |) | TRIAL ACT (18 U.S.C. § 3161) AND |
| |) | UNDER F.R.C.P. 5.1 |
| Defendant. |) | |

The parties appeared before this Court on the pending complaint on September 19, 2006. Gregg Lowder, Assistant United States Attorney, appeared for the United States. Steven Kalar, Assistant Federal Public Defender, appeared specially for the defendant, who appeared personally.

The Court appointed the Federal Public Defender, through Steven Kalar, Assistant Federal Public Defender, as counsel for the defendant .

At the request of and upon the consent of the parties, and the defendant personally, the Court continued the case to October 19, 2006 for status conference and excluded time from September 19, 2006 through October 19, 2006 from time calculations under the Speedy Trial Act and under F.R.C.P. Rule 5.1, to permit the attorneys reasonable time for effective preparation in the case, including to investigate potential defenses and to determine with certainty the extent of

1 the defendant's criminal history. To that end, the Court further ordered the probation department
2 to prepare a criminal history of the defendant for the parties.

3 The Court enters this order continuing the hearing and supplementing its oral orders at the
4 hearing of September 19, 2006 excluding time from calculations under the Speedy Trial Act, 18
5 U.S.C. § 3161, and from calculations under Federal Rule of Criminal Procedure 5.1, from
6 September 19, 2006 through October 19, 2006 . The parties, including the defendant, agree and
7 the Court finds and holds as follows:

8 1. The defendant understands and requests the exclusion of time from calculations under
9 the Speedy Trial Act, 18 U.S.C. § 3161, and under Federal Rule of Criminal Procedure
10 Rule 5.1, from September 19, 2006 through October 19, 2006 based upon the need of the
11 defense for a reasonable period of time to allow effective preparation in the case,
12 including reasonable time to investigate potential defenses and to determine the extent of
13 the defendant's criminal history

14 2. Defense counsel Steve Kalar joins in the request to exclude time from calculations
15 under the Speedy Trial Act and under F.R.C.P. 5.1 for the above reasons, and believes the
16 exclusion of time is necessary for him to effectively prepare a defense, and further agrees
17 the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161, and under F.R.C.P.
18 5.1 should be from September 19, 2006 through October 19, 2006 .

19 Given these circumstances, the Court finds that the ends of justice served by excluding
20 from time calculations the period of September 19, 2006 through October 19, 2006 outweigh the
21 best interests of the public and the defendant in a speedy trial under the Speedy Trial Act, 18
22 U.S.C. § 3161, and, at the defendant's request, finds good cause for the same reasons listed
23 above and stated at the hearing to exclude September 19, 2006 through October 19, 2006 from
24 time calculations under Federal Rule of Criminal Procedure 5.1. Accordingly, and at the request
25 of the defendant personally, the Court (1) sets an appearance date on October 19, 2006, @ 9:30
26 a.m., and (2) orders and finds that the time from September 19, 2006 through October 19, 2006 is

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1 excluded from time calculations under the Speedy Trial Act, 18 U.S.C. § 3161 and under
2 Federal Rule of Criminal Procedure 5.1.

3 SO STIPULATED:

4 DATED: October 10, 2006

/S/
STEVEN KALAR
Attorney for Defendant

6 DATED: October 06, 2006

/S/
GREGORY W. LOWDER
Assistant United States Attorney

8 IT IS SO ORDERED.

9 DATED: October 16, 2006

